

Patent Application Serial No. 10/589,129

REMARKS

The amendment to claim 1, and new claim 9, are supported by first throttle 33, second throttle 35, and the refrigerant pipe 37 in Figs. 1, 3, 5, and 7. New claim 8 is supported by certain value p1 at page 9, line 1 and the two paragraphs starting in the last line on page 8.

In response to the outstanding Action:

(1) In the Response to Arguments, the Examiner first responds to the Applicants' argument that Lanciaux and Itoh are not combinable. This response is moot, as Itoh is now withdrawn.

The Examiner next asserts that he is not subdividing a single heat exchanger in order to obtain the claimed third heat exchanger. The Examiner asserts that the third heat exchanger is "clearly depicted" but no new evidence, or argument, is presented.

In the following (fourth) paragraph, the Examiner responds as if the Applicants had argued that a duct cannot exist without a heat exchanger. However, no logical connection between the duct and heat exchanger was intended or made by the Applicants, who argued, "The Examiner states that Lanciaux discloses a duct 144 in Fig. 12. However, Fig. 12 does not show a third heat exchanger." The Applicants intended that, regardless of any duct, there is no third heat exchanger.

In the final paragraph on page 2, the Examiner presents an annotated Fig. 15, as well as the annotated Fig. 16. From Lanciaux's description of the figures, Fig. 15 is a downward view of the dryer seen in Fig. 12, and Fig. 16 is a rear view of the same dryer. The heat exchangers 150 and 151 are labeled in Fig. 16, showing 150 on the right-hand side and 151 on the left-hand side;

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they are also labeled in Fig. 15, but with 151 on the right-hand side and 150 on the left-hand side due to the different viewpoint.

In the Office Action, the Examiner has labeled each of the heat exchangers 150 and 151 as being the “3rd heat exchanger.” This cannot possibly be correct, as it must be one or the other of the two, and therefore cannot be a third.

(2-3) Claims 1, 3, and 4 are rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux, US 4,621,438. (The reference, Itoh US 2002/0046570, is withdrawn.) This rejection is respectfully traversed.

The Examiner asserts that the claimed feature, “a heat exchanger, disposed inside said circulation duct, for functioning as another radiator ... or as another evaporator ... depending on the refrigerant pressure controlled by said throttle apparatus” is anticipated. However, there is no evidence for the asserted third heat exchanger and the citation to Fig. 15 (bottom of page 4 of the Action) is incorrect, for the reason discussed above.

The Examiner also asserts that the claimed dependence on the refrigerant pressure is anticipated because “the amount the heat exchanger assists other heat exchangers is obviously dependent on the amount of refrigerant flowing through it,” which does not mention the pressure and, with respect, does not actually support the rejection.

Claims 3 and 4 are rejected over col. 6, lines 40-48 and col. 10, line 13-22, but the cited text has no mention of pressure detection or temperature detection, only flow detection used to stabilize the pressure or temperature.

(4) Claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux in view of Honda, US 2001/0018831. This rejection is respectfully traversed on the grounds above.

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(5) Claim 7 is rejected under 35 U.S.C. §103(a) as being obvious over Lanciaux in view of Sakakibara, US 6,494,051. This rejection is respectfully traversed on the grounds above.

New Claims. New claims 8 and 9 both recite subject matter that is not disclosed by any of the references.

Itoh. In the Office Action Conclusion, the Examiner states that Itoh is considered pertinent to the *disclosure*. Itoh was applied against the *claims* and then withdrawn after the Applicants argued against it, which arguably shows that Itoh is not pertinent enough to apply against the claimed subject matter. For the record, the Applicants respectfully traverse the assertion that Itoh is pertinent to this application, because the PTO judges it not pertinent to the claims and the disclosure is not at issue.

Conclusion. In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

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